IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND SEVEN

: PRESENT :

THE HON'BLE SRI JUSTICE : **GOPALAKRISHNA TAMADA**

CIVIL REVISION PETITION No. **5964 of 2006**

Petition under Section 115 of C.P.C. to, revise the Order of the court of the Junior Civil Judge, Armoor passed in I.A. No. 28 of 2006 in O.S. No. 114 of 2004 dated 3-5-2006.

Between:

1. G. Narayandas S/o G. Balaraju
2. R. Linga Reddy, S/o Muttyanna
   Petitioners

AND

S. Gangadher, S/o Narsimulu, R/o Donkeshwar Village of
Nandipet Mandal, Naziamabad District
Respondent

The petition coming on hearing upon perusing the Petition and memo of grounds filed herein and the order of High Court dated 01-12-2006 made herein and upon hearing the arguments of Sri K. Venu Madhav, advocate for the petitioner, the court made the following

ORDER:

This revision is directed against the order, dated 03-05-2006, made in I.A. No. 28 of 2006 in O.S. No. 114 of 2004 on the file of the Court of the Junior Civil Judge, Armoor.

Respondent filed the said suit against the petitioners herein for recovery of money. Though the Petitioners were contesting the suit, they have not filed the written statement in time and they were set exparte and ultimately on 30-03-2005 the ex parte decree was passed. Thereafter, the Petitioners filed an application to set aside the said ex parte decree, dated 30-03-2005, and as there was a delay of about 460 days in filing the said application, they filed I.A. No. 28 of 2006 under Section 5 of the Limitation Act, and the same was dismissed. Hence, this revision.

Even this revision was filed with a petition to condone the delay and initially notice was ordered and as the respondent did not put in his appearance despite service of notice, this Court condoned the delay. Thereafter, on 01-12-2006, while ordering notice before admission, this Court granted interim stay of all further proceedings in the said suit, on condition of the petitioner depositing half of the decretal amount and costs, within a period of four weeks from that date.

However, today, the learned counsel for the petitioners represented that the said direction could not be complied with. This clearly leads to the inference that the petitioners have no respect for the orders of the Court, and hence, this Court is of the view that the interim stay granted by this Court on 01-12-2006 need not be continued.

Accordingly, the interim stay granted by this court on 01-12-2006 is vacated.

Post after Two Weeks.

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Junior Civil Judge, Armoor, Nizamabad District
2. S. Gangadher, S/o Narsimulu, R/o Donkeshwar Village of Nandipet Mandal, Naziamabad District
3. One CC to Sri K. Venu Madhav, Advocate (OPUC)
4. One Spare Copy

Skm

HIGH COURT

TG,J

DATE: 25-01-2007

ORDER

CRP.NO. 5964 OF 2006

DIRECTION

HIGH COURT

TG,J

Drafted by: skm
Drafted on: 07-02-2007

DATE: 25-01-2007

ORDER

DIRECTION